

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**THURSDAY, DECEMBER 13, 2012
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009**

**Ruthanne Miller, Chairperson
Members:**

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Protest Hearing

9:00 AM

Case # 12-PRO-00073

2461 Corporation, t/a Madam's Organ
2461 18th Street NW
License #25273
Retailer CT
ANC 1C
Substantial Change (Sidewalk Café)

Disposition: The Board denied the Applicant's Motion in Limine and proceeded to the Protest Hearing. The Board held a Closed Meeting under the Open Meetings Act and will issue an Order within 90 days.

Fact Finding Hearing

11:00 AM

Case # 12-251-00370

Wilson Concepts, Inc., t/a Indulj
1208 U Street NW
License #79843
Retailer CT
ANC 1B
Chief of Police Closure December 3, 2012

Disposition: The Respondent is to return on March 6, 2013 at 9:30 am for a Status Hearing.

BOARD RECESS AT 12:00 PM

Board's Calendar
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Protest Hearing

1:30 PM

Case # 12-PRO-00013

Walgreen Co., t/a Walgreens #11408
4225 Connecticut Ave NW
License #88579
Retailer B
ANC 2F

New Application-this is a continuation of the hearing commenced August 8, 2012.

Disposition: The Board left the record open to receive the parties' Proposed Findings of Fact and Conclusions of Law. The Board will issue an Order within 90 days from the close of the record.

Motion Hearing

4:00 PM

Case # 12-PRO-00078

District of Columbia CVS Pharmacy, LLC, t/a CVS Pharmacy #1354
2601 Connecticut Ave NW
License #88912
Retailer B
ANC 3C

New Application-Board will hear oral argument on filed motions.

(This hearing has been continued to January 10, 2013 at 1:00 p.m.)

Disposition: The Board continued the Motion Hearing to January 10, 2013 at 1:00 pm.

Summary Suspension Hearing

**4:00 PM
9:30 AM**

Case # 12-251-00380

Mahogany, LLC, t/a The Tap & Parlour/Bohemian Caverns
2001 11th Street NW
License No. 74895
Retailer CT
ANC 1B

Chief of Police Closure December 8, 2012

Disposition: The Board adopted conditions set forth in the attached Order, 4-0.

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Mahogany, LLC

t/a The Tap & Parlour/Bohemian Caverns)

Holder of a Retailer's

Class CT License

at premises

2001 11th Street, N.W.

Washington, D.C. 20001

Respondent

Case No. 12-251-00380

License No. ABRA-074895

Order No. 2012-532

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Mike Silverstein, Member

ALSO PRESENT: Mahogany, LLC, t/a The Tap & Parlour/Bohemian Caverns

Andrew Kline and Scott Rome, Esq., on behalf of the Respondent

Michael Stern, Senior Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER ON SUMMARY SUSPENSION

On December 12, 2012, the Alcoholic Beverage Regulation Administration (ABRA) served a Notice of Summary Suspension (Notice), dated December 12, 2012, on Mahogany, LLC, t/a The Tap & Parlour/Bohemian Caverns (Respondent), located at premises 2001 11th Street, N.W., Washington, D.C.

Pursuant to the Notice, the Alcoholic Beverage Control Board (Board) ordered the suspension of Respondent's license in accordance with D.C. Official Code § 25-826 (2008) and § 25-827(a) (2005). The suspension was based upon an investigation

conducted by ABRA investigators, where the Board found that the operations of the establishment presented an imminent danger to the health and safety of the public.

Additionally, the Board's suspension of the Respondent's license was based upon the written request of the Chief of Police Cathy L. Lanier, Metropolitan Police Department (MPD), dated December 8, 2012, pursuant to D.C. Official Code § 25-827(a), which included a determination made by Chief Lanier that the establishment presented an imminent danger to the health and safety of residents and visitors in the District of Columbia.

On December 12, 2012, the Respondent requested a Summary Suspension Hearing pursuant to D.C. Official Code § 25-826(c). The Board held a Summary Suspension Hearing on December 13, 2012.

At the Summary Suspension Hearing, the Government and the Respondent agreed to the following conditions which must be addressed to the Board's satisfaction. Some of these conditions must be met prior to the Board's agreement to lift the suspension. Other conditions will be met through the submission of supplemental documentation, which will provide further detail regarding the measures outlined below for the Board to evaluate their efficacy.

- I. Prior to the Board's lifting of the suspension of the license, the Respondent shall meet the following conditions:
 1. Dismiss the employee and manager involved in the incident occurring on December 8, 2012.
 2. Submit a Security Plan that complies with the requirements of D.C. Code Section §25-403. Additionally, the Security Plan shall include the following:
 - a. Information regarding the functioning camera system (viewing and storage);
 - b. Positions and locations of Security Personnel;
 - c. Incident log completion;
 - d. ID checks;
 - e. The procedure for contacting the Metropolitan Police Department (MPD);
 - f. Procedures for preserving a known crime scene; and
 - g. Procedures for handling security breaches.
 3. Train employees on all provisions of the Security Plan.
 4. Submit written procedures for closing the establishment on time.
 5. Identify new or current individuals employed by the establishment who will be responsible for ensuring the establishment is closed on time.
 6. Repair the broken lock on the door.

7. Repair the two broken cameras so that they are fully functional.
 8. Submit employee handbook.
- II. Within thirty (30) days from the date of this Order, the Respondent shall meet the following conditions:
1. Cooperate with an ABRA investigator who will inspect and evaluate the establishment's camera security system to ensure that all four (4) cameras are operable, and that the camera security system is adequately recording during hours of operation and that it has a thirty (30) day backup capability. The inspection and evaluation will be reduced to a supplemental investigative report that will be reviewed and approved by the Board.
 2. Obtain formal security training for all staff.
 3. Obtain from MPD and have all employees review with MPD educational materials on how to prevent sexual assaults.
 4. Obtain sexual assault prevention training for all employees from the Metropolitan Police Department.
 5. Post at the establishment educational materials from MPD on how to prevent sexual assaults.
 6. Submit a plan to add a remote access capability to its camera security system. This plan shall include a diagram or floor plan showing the location of each camera. The Respondent shall brief the Board on the progress of this upgrade when it appears before the Board for the Summary Suspension Status Hearing.

III. Additionally, the Respondent shall be required to do the following:

1. Train new employees on the Security Plan and on all security procedures within ten (10) days of their hire, and on a regular ongoing basis.
2. Provide security footage to ABRA and MPD within forty eight (48) hours of being requested. The Respondent shall have at all times, personnel who can download the establishment's security footage from the camera system.

A continued Summary Suspension Status Hearing shall be set within forty five (45) days.

This matter will be referred to the Office of the Attorney General (OAG) for Show Cause Hearing.

ORDER

The Board does hereby, this 13th day of December, 2012, **ORDER** that the Retailer's Class CT License, held by Mahogany, LLC, t/a The Tap & Parlour/Bohemian Caverns, located at premises 2001 11th Street N.W., Washington, D.C., be and is hereby **SUSPENDED** until December 14, 2012, or until compliance with the terms of this Order to the Board's satisfaction, whichever date is later.

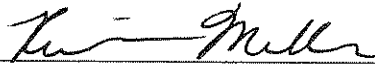
It is further **ORDERED** that the Board will impose the conditions set forth above which are binding on the Respondent.

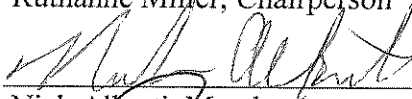
It is further **ORDERED** that the Respondent shall return to the Board for a Summary Suspension Status Hearing on January 30, 2013 at 9:30 a.m., to determine compliance with the terms of this Order.

It is further **ORDERED** that the Respondent shall abide by all laws and regulations of the District of Columbia, shall operate its establishment in a safe and competent manner, and shall refrain from engaging in the type of activity that led to this disciplinary action.


A copy of this Order shall be sent to the Respondent and to the Government.

District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson


Nick Alberti, Member


Donald Brooks, Member


Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001.

However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App Rule 15 (b) (2004).